



# PUTNAM CIRCUIT COURT

64th Judicial Circuit • Courthouse, 3rd Floor • Greencastle, Indiana 46135 • 765-653-5315 • 765-653-4870 Fax

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**Matthew L. Headley**  
Judge

Janet Jordan  
Reporter

Linda Littrell  
Reporter

Sheila Penturf  
Reporter

Cassie Stacks  
Reporter

May 31, 2019

MuckRock News  
Dept MR 72895  
411A Highland Ave.  
Somerville, MA 02144-2516

RE: State of Indiana vs. Richard Stuart  
Cause No. 67C01-1303-FA-67

Sarah Weller:

Please find enclosed the Plea Agreement, Order on Guilty Plea Hearing and Sentencing Order pursuant to your request in regards to the above captioned matter. We estimate the hearing to be approximately thirty minutes and we estimate the cost of the transcript to be around \$140.00. In order for us to process your transcript request we must receive payment in full. If you have any further questions please contact my staff at (765) 653-5315.

Sincerely,

Matthew L. Headley  
Judge, Putnam Circuit Court

Encl.

STATE OF INDIANA  
COUNTY OF PUTNAM  
STATE OF INDIANA  
vs.

RICHARD W. STEWART  
DOB: 12/13/1991

IN THE PUTNAM CIRCUIT COURT

2013 TERM

CAUSE NO.: 67C01-1303-FA-0067

04/04/2013  
Marty J. Watts  
CLERK, PUTNAM CIRCUIT COURT

FILED

PLEA AGREEMENT

The State of Indiana, by its Prosecuting Attorney, Tim Bookwalter, and the Defendant, in person and by counsel, Sidney Tongret, submit the following plea agreement and recommendation:

1. The Defendant is charged with the following offenses:  
  
Count 1: Child Molesting, a Class A Felony  
Count 2: Child Molesting, a Class A Felony  
Count 3: Child Molesting, a Class C Felony  
Count 4: Vicarious Sexual Gratification, a Class C Felony  
Count 5: Possession of Child Pornography, a Class D Felony
2. The Defendant will plead guilty as charged to Count 1. All remaining counts shall be dismissed.
3. On Count 1, the Defendant shall be sentenced to twenty (20) years at the Indiana DOC, all executed.
4. The Court shall make any necessary findings regarding the sex offender registry and the Defendant being a sexually violent predator.
5. The Defendant shall not petition to reduce, modify, or seek relief from his sentence once it is imposed.
6. This agreement constitutes the entire agreement of the parties.
7. Any other terms and conditions as ordered by the Court.



**ACKNOWLEDGMENT OF RIGHTS**  
**DEFENDANT SHOULD INITIAL EACH STATEMENT BELOW**

I, Richard W. Stuart, understand that I am pleading guilty to a crime and I acknowledge that the Constitution guarantees me the following rights:

- R S (a) The right to a speedy and public trial by jury.
- R S (b) The right to see and hear all the witnesses at my trial and to confront and cross-examine witnesses against me.
- R S (c) The right to the presumption of innocence and to force the State to prove the charge against me beyond a reasonable doubt, with no requirement on my part to prove anything, and that I may not be compelled to testify.
- R S (d) The right to testify or not to testify at my trial; to subpoena witnesses and present evidence in my favor.
- R S (e) The right to assistance of counsel at every stage of the proceedings, including upon an appeal if I am convicted, and that if I do not have the money for an Attorney, the Court will appoint one for me at public expense.
- R S (f) That my sentence could be increased if I have a previous conviction.
- R S (g) That my sentence could be made to run consecutively to any sentence I may be presently serving.
- R S (h) I am satisfied with my counsel's representation and competency exhibited in this matter, or, if without counsel, I have voluntarily chosen to proceed knowing that I may have counsel, and I believe this agreement to be in my best interest.
- R S (i) As a condition of entering this plea agreement the defendant hereby waives the right to appeal any sentence imposed by the Court, under any standard of review, including but not limited to, an abuse of discretion standard and the appropriateness of the sentence under Indiana Appellate Rule 7(B), so long as the Court sentences the defendant within the terms of the plea agreement. The defendant hereby waives any future request to modify the sentence imposed by the Court at the time of sentencing, pursuant to IC 35-38-1-17, or any other statute, court rule, or other provision of Indiana law.
- R S (j) I understand that the Court will require me to register a sex offender, can find me to be a sexually violent predator, and can declare me to be a credit restricted felon pursuant to I.C. 35-31.5-2-72.



Tim Bookwalter  
Prosecuting Attorney



Richard W. Stuart  
Defendant



Sidney Tongret  
Attorney for Defendant

#### **PROSECUTOR'S RECOMMENDATION AND CERTIFICATION**

1. The Prosecuting Attorney for the 64th Judicial Circuit hereby recommends to the Court the above plea of guilty be accepted and entered by the Court, and the State of Indiana desires to enter into this agreement because a trial would be a burden on the taxpayers' money and the Court's time.
2. Insofar as there are victims of a felony and this constitutes a recommendation as such terms are defined by I.C. 35-35-3-1, I certify that I have offered to show this recommendation to the victims and to the Court (in person or in writing) when the Court considers this recommendation.
3. This recommendation is made pursuant to I.C. 35-35-3-1, et.seq.



Tim Bookwalter  
Prosecuting Attorney

STATE OF INDIANA

IN THE PUTNAM CIRCUIT COURT

COUNTY OF PUTNAM

SS:

CAUSE NO. 67C01-1303-FA-67

STATE OF INDIANA

VS.

RICHARD W. STUART

**FILED**  
AUG 09 2013

**ORDER ON GUILTY PLEA HEARING**

*Marty J. Watts*  
CLERK, PUTNAM CIRCUIT COURT

On August 8, 2013, the State of Indiana appeared by Justin Long, Chief Deputy Prosecuting Attorney. Defendant appeared in custody of the Putnam County Sheriff, and with public defender Sidney Tongret, for the purpose of entering a plea of guilty to Count I: Child Molesting, a Class A Felony. The Court addresses the Defendant and determines that he understands the nature of the charge against him and reminds him that by his plea of guilty, he waives his rights to: (1) a public and speedy trial by jury, (2) confront and cross-examine the witnesses against him, (3) have compulsory process for obtaining witnesses in his favor and (4) require the State to prove his guilt beyond a reasonable doubt at a trial in which the Defendant may not be compelled to testify against himself as contained in the plea agreement and so acknowledged by the Defendant.

The Court finds that a written plea agreement has been executed by the Prosecutor and the Defendant and informs the Defendant that if the Court accepts the plea, it is bound by the terms of the written plea agreement. The Court finds that the Defendant understands the nature of the charge against him to which he has pled guilty, that he understands the possible sentences and fine there under, that his plea is freely and voluntarily made and that there is a factual basis for the Defendant's plea of guilty.

The Court takes the plea of guilty under advisement, orders a pre-sentence investigation prepared by the Probation Department and sets sentencing hearing for the **5th day of September, 2013 at 9:00 o'clock a.m.**

Dated this 9th day of August, 2013.

*Matthew L. Headley*

Matthew L. Headley  
Judge, Putnam Circuit Court

Distribution:

Office of the Prosecuting Attorney  
Sidney Tongret, Public Defender  
Adult Probation Department

67C01-1303-FA-00067, 1 Pgs  
08/09/2013 Id: 0000282329  
Order on Guilty Plea Hearing

*W*



STATE OF INDIANA

IN THE PUTNAM CIRCUIT COURT

SS:

COUNTY OF PUTNAM

CAUSE NO. 67C01-1303-FA-67

STATE OF INDIANA  
VS.  
RICHARD STUART

FILED  
SEP 13 2013

AMENDED

ORDER ON SENTENCING HEARING

*Marty J. Watts*  
CLERK, PUTNAM CIRCUIT COURT

On September 5, 2013, the State of Indiana appeared by Timothy Bookwalter, Prosecuting Attorney and Teresa Parrish, Chief Probation Officer. Defendant, Richard Stuart, appeared in custody of the Putnam County Sheriff and with public defender Sidney Tongret.

Witnesses are sworn and evidence is heard. The Court having considered the pre-sentence report and the statements of the prosecuting attorney, defendant and defense counsel, finds that the defendant understands the charge against him, to which he has pled guilty, that he understands the possible sentences and fine there under.

The Court accepts the plea of guilty and accepts the plea agreement as submitted and finds Defendant guilty of Count I: Child Molesting, a Class A Felony. Pursuant to plea agreement, Court orders Counts II, III, IV and V dismissed.

Court sentences Defendant to **twenty (20) years at the Department of Corrections with credit for three hundred sixty two (362) credit (181 actual) days served**. Court finds Defendant is a credit restricted felon pursuant to I.C. 35-31.5-2-72 by virtue of his conviction and a sexually violent predator under I.C. 35-38-1-7.5 Court orders Defendant to register as same upon release.

Court orders Defendant to pay court costs in the amount of one hundred sixty eight dollars (\$168.00) and Public Defender Fee in the amount of one hundred dollars (\$100.00).

Court remands Defendant to custody of the Putnam County Sheriff for transport to the Department of Corrections.

Dated this 13<sup>th</sup> day of September, 2013.

*Matthew L. Headley*  
Matthew L. Headley  
Judge, Putnam Circuit Court

67C01-1303-FA-00067, 3 Pgs  
09/13/2013 Id: 0000287781  
Amended Order on Sentencing Hrg/Amended



Distribution:

Office of the Prosecuting Attorney  
Sidney Tongret, Public Defender  
Putnam County Sheriff's Department  
Indiana Department of Corrections  
Indiana State Police Records Division

**AMENDED ABSTRACT OF JUDGMENT  
INDIANA DEPARTMENT OF CORRECTION**

INSTRUCTIONS: THIS FORM MUST ACCOMPANY THE JUDGMENT, PRE-SENTENCE REPORT, AND ALL OTHER DOCUMENTS REQUIRED BY LAW, UPON THE COMMITMENT OF THE ADULT OFFENDER TO THE INDIANA DEPARTMENT OF CORRECTION. A SEPARATE ABSTRACT MUST BE USED FOR EACH CAUSE NUMBER.

CASE NAME: STATE OF INDIANA VS RICHARD STUART  
CAUSE NO: 67C01-1303-FA-67 COURT: PUTNAM CIRCUIT COURT  
DATE OF SENTENCING: 9/5/2013 PRESIDING JUDGE: MATTHEW HEADLEY  
PROSECUTOR: TIMOTHY BOOKWALTER DEFENSE ATTORNEY: SIDNEY TONGRET

**PART 1: THE DEFENDANT WAS FOUND GUILTY OF THE FOLLOWING CRIMES UNDER THE ABOVE REFERENCED CAUSE:**

COUNT - CRIME AND CLASS FELONY OR MISDEMEANOR - STATUTORY CITATION  
I - CHILD MOLESTING, A/F I.C. 35-42-4-3(a)(1)

PART 2: AS A RESULT OF THE ABOVE CONVICTION, THE COURT HAS SENTENCED THE DEFENDANT TO THE DEPARTMENT OF CORRECTIONS AS FOLLOWS: (IF CONSECUTIVE TIME IS RECEIVED, CHECK THOSE WHICH FOLLOW THE ORIGINAL SENTENCE)

COUNT - SENTENCE D/Y - SUSPENDED - CONCUR/CONSEC TIME W/COUNT OR CAUSE  
I - 20 YEARS

### PART 3: JUDGE'S RECOMMENDATIONS:

IS THE DEFENDANT TO BE RETURNED TO THE COURT FOR PROBATION AT THE COMPLETION OF HIS SENTENCE? NO

NUMBER OF DAYS CONFINED PRIOR TO SENTENCING: 362 credit days (181 actual days)

RECOMMENDATION DEGREE OF SECURITY: NONE

ADDITIONAL COMMENTS AND RECOMMENDATIONS: DEFENDANT IS A CREDIT RESTRICTED FELON PURSUANT TO I.C. 35-31.5-2-72 AND A SEXUALLY VIOLENT PREDATOR UNDER I.C. 35-38-1-7.5

#### PART 4: JUDICIAL SIGNATURE

Mammals

DATE: September 13, 2013

PART 5: AFFIDAVIT OF CLERK  
STATE OF INDIANA  
COUNTY OF PUTNAM

I, Marty G. Watts, Clerk of Putnam County, State of Indiana, do hereby certify that the foregoing is a true and complete abstract of judgment of said Court in the above-entitled cause, on the date first shown on record in my office. As testimony of these facts, I sign my name and affix the seal of Putnam County, at my office in the City of Greencastle, this 13<sup>th</sup> day of September, 2013.

Marty J. Watts

, Clerk, Putnam Circuit Court